

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:
PARENT ON BEHALF OF STUDENT,

and

LONG BEACH UNIFIED SCHOOL DISTRICT,
OAH CASE NUMBER 2021050578
OAH CASE NUMBER 2021050710

ORDER GRANTING STUDENT'S MOTION TO AMEND
COMPLAINT

SEPTEMBER 7, 2021

On May 18, 2021, Parent on behalf of Student filed a due process hearing request, referred to as a complaint, with the Office of Administrative Hearings, naming Long Beach Unified School District. The Office of Administrative Hearings is referred to as OAH. On September 3, 2021, Student filed a motion to amend the due process hearing request, and an amended complaint attached to the sworn declaration of Student's counsel. On September 3, 2021, Long Beach filed a non-opposition.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or

when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Here, Student seeks to add claims involving an IEP team meeting that occurred within 30 days of the filing of the original complaint. The motion to amend was filed more than five days prior to the due process hearing. Therefore, it is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines in these consolidated matters shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates. Student's case remains the primary case in the consolidated matter.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings